IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2789 of 1996

Between:

T.V.Ramanaiah Pantulu, S/o. Venkata Ramanaiah,
R/o. Andalapalli(V), Achyutapuram (M),
Visakhapatnam Dist.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Achyutapuram, Visakhapatnam Dist.
2 The Andalapalli Gram Panchayat, rep.by it's Gram Panchayat,
Andalapalli,Achyutapuram, Visakhapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the Respondent to dispossess the petitioner from the house site in S.No.96/A of an extent of Ac.0-27 cents of Andalapalli(V),Achyatapuram (M),Visakhaptnam Dist, without following the procedure under the Land Acquisition Act as wholly without jurisdiction ,illegal and arbitrary.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondent No.1: Government Pleader For Revenue

Counsel for the Respondent No.2: MR.E.V.BHAGIRATHA RAO

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the first respondent in trying to dispossess the petitioner from the house site in Sy.No.96/A admeasuring Ac.0-27 cents situated at Andalapalli Village, Achyutapuram Mandal, Visakhapatnam District, without following due process of law, as illegal and arbitrary.

It is the case of the petitioner that he has been in longstanding possession of the said land and has also constructed a house in a part of the said land. The first respondent – Mandal Revenue Officer issued notices dated 28.12.1995 and 24.01.1996 to the petitioner stating that the land in question is required for construction of the Gram Panchayat Building and invited objections, if any, from the petitioner for the same. Assailing the said notices, this writ petition is filed.

From a perusal of the said notices, it is clear that in the notices, objections, if any, were invited from the petitioner for construction of Gram Panchayat Building in the land in question and he was asked to produce the material in support of his claim for possession over the land in question. But, till now there is no order of eviction as such passed by the first respondent.

It is submitted by the learned counsel for the petitioner that the land in question is a part of Gram Kantam, and as such, the first respondent is not having any jurisdiction to initiate proceedings for eviction.

Admittedly, pursuant to the said notices, no eviction orders were passed. Therefore, if the petitioner has any objections to the said notices, it is always open for him to raise the same before the first respondent.

In that view of the matter, I dispose of the writ petition permitting the petitioner to raise the objections, if any, to the notices dated 28.12.1995 and 24.01.1996 issued by the first respondent within a period of four weeks from the date of receipt of a copy of this order. Further, the respondents are directed not to evict the petitioner from the land in question without following the due procedure of law.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____ R.SUBHASH REDDY, J

27.01.2005

DR

To

1 The Mandal Revenue Officer,
Achyutapuram, Visakhapatnam Dist.
2 The Andalapalli Gram Panchayat, rep.by it's Gram Panchayat,
Andalapalli,Achyutapuram, Visakhapatnam Dist.

3 2CD copies

4 2 CCs to Government Pleader for Revenue, High Court Buildings,

Hyderabad. (OUT)